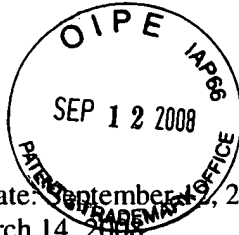


Application No.: 10/509,539
Terminal Disclaimer Filing Date: September 12, 2008
Reply to Office Action of March 14, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/509,539)
)
Applicants: Shigeyoshi Fujiwara et al) TC/A.U.: 1615
)
Filed: September 28, 2004) Examiner: Bethany P. Barham
)
Title: **Insoluble Powder, Powder for**) **Customer No.:**
Restoring Barrier Function of Skin,) ***038598**
Powder for Preventing/Mitigating Skin)
Chapping, and Preparation) **PATENT TRADEMARK OFFICE**
Containing the Same for External Use)
on Skin)
)
Docket No.: 26170-168578)
)

Mail Stop RCE

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop Non-Fee Amendment

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

The owner, Shiseido Co., Ltd., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, beyond the expiration date of the full statutory term of any patent granted on copending Application No. 10/471,087, filed on February 17, 2004, whichever is earlier. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This

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agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior co-pending application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either 1 or 2 below, if appropriate.

1. ___ For submissions on behalf of a business organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

2. X The undersigned is an attorney of record. Reg. No. 43,538
 X The Commissioner is hereby authorized to charge the amount of **\$130.00** for payment of the terminal disclaimer fee as required by 37 CFR 1.20 (d) to, or any additional fees due to, or credit any overpayment to Deposit Account No. 50-2849.
 X PTO suggested wording for terminal disclaimer was
 X unchanged.
 ___ changed (if changed, an explanation should be supplied).

Respectfully submitted,

Date: September 12, 2008

A handwritten signature in cursive script that reads "Fei-Fei Chao". The signature is written in dark ink and is positioned above a horizontal line.

Fei-Fei Chao, Ph.D.

Registration No. 43,538

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